



STATE PROCUREMENT OFFICE
NOTICE OF REQUEST FOR EXEMPTION
FROM HRS CHAPTER 103D

11 DEC -5 P1:20

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: DBEDT/Creative Industries Division
Name of Requesting Department

SUBJECT: Request for Exemption

Pursuant to HRS §103D-102(b)(4) and HAR Chapter 3-120, the Department requests a procurement exemption for the following:

1. Describe the goods, services or construction.

For services related to developing and printing an ad in the Creative Handbook 2012, the premiere entertainment production resource guide for the film industry. The handbook features information on film commissions, incentives/tax credits, locations, production, production support, and the full spectrum of film related services. The ad will be a full color tab ad promoting the State of Hawaii as a location for film production, as well as the Hawaii State Film office. Development and placement of this ad is an essential part of DBEDT/CID's mission to accelerate the economic viability and visibility of the arts and culture sectors of Hawaii's creative economy, particularly as it relates to the film and music industries and would not come about without CID's coordination and financial assistance.

2. Vendor/Contractor Name :

The Creative Handbook

3. Amount of Request:

\$ 3,500.00

4. Term of Contract: From: 12/8/2011 To: 11/30/2012

5. Prior Exemption
Reference No.:

Not Applicable

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:

The Creative Handbook is the most comprehensive and widely referenced source book in the entertainment industry available in print and online, targeting the Los Angeles production market. It contains over 800 pages of information on entertainment related products and services. Designed to assist the industry with finding production related vendors the Creative Handbook is also the leading source regarding information on film incentives, location for filming and film commissions in the entertainment industry. This directory is a primary source of information for studios and production companies looking for contacts in regions that support film activity. The print circulation is targeted and supports Hawaii's presence in the #1 market for decision makers in production. Tab ad on the Film Incentives Section provides additional marketing support of Act 88: Hawaii's Film/TV/Digital Media Production Tax Credit.

It is for these reasons that CID is requesting an exemption for this ad under HAR Chapter 3-120 Procurements Exempt from Chapter 103D, HRS (Exemption No. 9 - Advertisements in specialized publications, such as in ethnic or foreign language publications, trade publications, professional publications).

7. In selecting the vendor/contractor, explain in detail, the process the department will utilize to maximize fair and open competition:

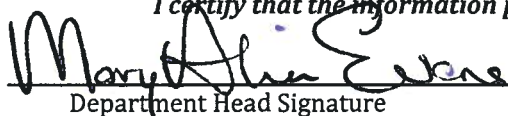
As noted in item #6, the Creative Media Handbook is the the leading source for information on film production, tax incentives, contact information for location filming and film commissions. It is the primary resrouce used daily by the entertainment industry and is a targeted vehicle to reach the market for marketing Hawai'i as a film production destination.

8. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process and has completed mandatory training. (Type over "example" and delete cells not used)

| Name of Department Personnel | Division/Agency | Phone Number | e-mail address |
|------------------------------|-----------------|--------------|------------------------|
| David Nada | DBEDT/CID | 587-2754 | dnada@dbedt.hawaii.gov |
| | | | |
| | | | |
| | | | |

9. The department shall ensure adherence to applicable administrative and statutory requirements, and all requirements, approvals, and internal controls for this request are the responsibility of the department.

I certify that the information provided above is, to the best of my knowledge, true and correct.


Department Head Signature

12-2-11
Date

For Chief Procurement Officer Use Only

Date Notice Posted 12-6-11

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from date notice posted to:

Chief Procurement Officer
State Procurement Office P.O.
Box 119 Honolulu, Hawaii
96810-0119

10. Chief Procurement Officer (CPO) Comments:

This request is returned with no action required as for no.3, Amount of Request, the department may utilize small purchase procedures to procure the design services for the ad pursuant to Procurement Circular No. 2009-15. Thereafter, department plans to utilize HAR Chapter 3-120, Exhibit A, Exemption No. 9. Advertisements in specialized publications.

☐ Approved

☐ Disapproved

☒ No Action Required


Chief Procurement Officer Signature

12/19/2011
Date

"EXHIBIT A"

HAR Chapter 3-120
PROCUREMENTS EXEMPT FROM CHAPTER 103D, HRS
03/17/2011

The following list of exemptions, pursuant to HAR §3-120-4, has been determined to be exempt from HRS Chapter 103D by the procurement policy board:

Exemption
Number

Exemption

1. Research, reference, and educational materials including books, maps, periodicals, and pamphlets, which are published or available in print, video, audio, magnetic, or electronic form, including web-based databases, and costs associated with publication of articles in scholarly journals;
2. Services of printers, rating agencies, support facility providers, fiscal and paying agents, and registrars for the issuance and sale of the State's or counties' bonds;
3. Services of lecturers, speakers, trainers, facilitators and scriptwriters, when the provider possess specialized training methods, techniques or expertise in the subject matter;
4. Services of legal counsel, guardian ad litem, psychiatrists, psychologists, receivers and masters when required by court order;
5. Insurance to include insurance broker

services;

6. New or used items which are advantageous and available on short notice through an auction, bankruptcy, foreclosure, etc.;
7. Food and fodder for animals;
8. Facility costs for conferences, meetings, and training sessions;
9. Advertisements in specialized publications, such as in ethnic or foreign language publications, trade publications, or professional publications;
10. Arbitrator and mediator services;
11. Interpreter services;
12. Procurement of repair services when dismantling is required to assess the extent of repairs;
13. Burial services consisting of mortuary, crematory, cemetery, and other essential services for deceased indigent persons or unclaimed corpses;
14. Radio and television airtime when selection of station is based on the targeted audience (i.e. ethnic or age group, gender, etc);
15. Subscription costs and registration or workshop fees for conferences or training; and
16. Court reporter services.



hawaii.gov



Add/Edit Contract - Page 2

Method: 6- Exemption pursuant to HRS section 103D-102, or HAR Chapter 3-120

HAR/HRS: ☐

HAR-1: Research, reference, and educational material including books, maps, periodicals, and pamphlets, which are published or available in print, video, audio, magnetic, or electronic form, including web-based databases;

HAR-2: Services of printers, rating agencies, support facility providers, fiscal and paying agents, and registrars for the issuance and sale of the State's or counties' bonds

HAR-3: Services of lecturers speakers trainers facilitators and scriptwriters when the provider possesses specialized training methods techniques or expertise in the subject matter.

HAR-4: Services of legal counsel guardian ad litem psychiatrists psychologists receivers and masters when required by court order.

HAR-6: Insurance to include insurance broker services.

HAR-8: New or used items which are advantageous and available on short notice through an auction, bankruptcy, foreclosure, etc.

HAR-9: Food and fodder for animals.

HAR-10: Facility costs for conferences meetings and training sessions.

HAR-11: Advertisements in specialized publications, such as in ethnic or foreign language publications, trade publications, professional publications

HAR-12: Arbitrator and mediator services.

HAR-13: Interpreter services.

HAR-14: Procurement of repair services when dismantling is required to assess the extent of repairs.

HAR-15: Burial Services consisting of mortuary crematory cemetery and other essential services for deceased indigent persons or unclaimed corpses.

HAR-16: Radio and television airtime when selection of station is based on the targeted audience i.e. ethnic or age group gender etc .

HAR-17: Subscription costs and registration or workshop fees for conferences or training.

HAR-18: Court reporter services.

HRS-1: Grants or subsidies as those terms are defined in section 42F-101 made by the State in accordance with standards provided by law as required by article VII section 4 of the State Constitution or by the counties pursuant to their respective charters or ordinances.

HRS-2: Disbursement of funds regardless of their source for deposit investment or safekeeping including expenses related to their deposit investment or safekeeping.

HRS-3: Disbursement of funds regardless of their source to governmental bodies of the State.

HRS-4: Procurement from a governmental body other than the University of Hawaii bookstores from the federal government or from another state or its political subdivision.

HRS-5: Services of expert witnesses for potential and actual litigation of legal matters involving the State its agencies and its officers and employees including administrative quasi-judicial proceedings.

HRS-6: Meats and foodstuffs for the Kalaupapa settlement.

HRS-7: Performances including entertainment speeches and cultural and artistic presentations.

HRS-8: Services of attorneys to provide any legal service to the State on matters arising under laws of another state or foreign country or in an action brought in another state federal or foreign jurisdiction when substantially all legal services are expected to be performed outside of the State of Hawaii.

HRS-9: CPO approved form SPO-007 Notice of and Request for Exemption from Chapter 103D HRS.

HRS-10: Procurements expressly exempt from any or all of the requirements of this chapter by references in state or federal law to provisions of this chapter or a section of this chapter or references to a particular requirement of this chapter.

HRS-11: Award to a bidder or offeror who is a United States General Services Administration-

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approved sole source vendor who shall be exempt from complying with HRS 103D-302 103D-303 or 103D-304 as applicable in any procurement funded by state and federal matching funds if the bidder or offeror was responsible for obtaining and was the recipient of the federal funds.

HRS-12: Awards for the procurement of food or fuel products for Kahoolawe Island Reserve Commission pursuant to Act 159 SLH 2010.

Contract/PO

Number:

SPO P.E.

Number:

Department: Business, Economic Development, & Tourism

Division: Administrative Services Office

Description:

Contact Info

Name:

Phone #:

E-Mail:

Vendor

Awarded:

If you can not find the vendor in the list use the "Add New vendor" button to create a new vendor.

'Olelo Community Television
100th Infantry Battalion Veterans
21st Century Lighting Enterprises, LLC
21st Century Systems, Inc.
3M Company
4 Ag Hawaii
4 Miles, LLC
57 Builders, Ltd.
A P Power Systems Ltd.

Add New Vendor

Original

Award \$

Amount:

Final

Contract \$ 0

Amount:

Notice of

Award Date:

(mm/dd/yyyy)

Term of contract

Start:

(mm/dd/yyyy)

End:

(mm/dd/yyyy)

Comments:

PE12-055D